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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 ANDREW MAXWELL CLAY, et  
11 al.,

12 Plaintiffs,

13 v.

14 HILTON WORLDWIDE  
15 HOLDINGS, INC., et al.,

Defendants.

CASE NO. C18-1262JLR

ORDER FINDING GOOD CAUSE  
TO EXTEND THE SERVICE  
PERIOD

16 On December 10, 2018, the court ordered Plaintiffs Andrew Maxwell Clay and  
17 Tonja Clay (collectively, “Plaintiffs”) to show cause why Defendants Hilton Hospitality,  
18 LLC, and Hilton International Holdings should not be dismissed for failure to comply  
19 with the 90-day timeframe for service of process set forth in Federal Rule of Civil  
20 Procedure 4(m). (OSC (Dkt. # 12) (citing Fed. R. Civ. P. 4(m)).) On December 20,  
21 2018, Plaintiffs responded to the court’s order to show cause explaining the delay in  
22 service and stating that they now had accomplished service on both of these Defendants.

1 (OSC Resp. (Dkt. # 13) at 4.) Accordingly, the court finds good cause to extend the Rule  
2 4(m) 90-day timeframe for service on these two Defendants and releases Plaintiffs from  
3 its order to show cause in that regard. *See* Fed. R. Civ. P. 4(m).

4 In their response to the court's order to show cause, Plaintiffs also informed the  
5 court of an issue that has arisen with respect to service on Defendant Hilton Management  
6 Services (CIS), LLC ("Hilton Management"). (*See* OSC Resp. at 4.) Despite the service  
7 issues described in Plaintiffs' response, counsel has appeared in this suit on behalf of  
8 Hilton Management. (*See* Not. of Appearance (Dkt. # 11).) Based on Plaintiffs'  
9 counsel's representations, the court also finds good cause to extend the Rule 4(m) 90-day  
10 service period for Hilton Management to 30 days after the filing date of this order. *See*  
11 Fed. R. Civ. P. 4(m).

12 The court reminds counsel that a corporation "that is subject to service under Rule  
13 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons," and  
14 that "[t]he plaintiff may notify such a defendant that an action has been commenced and  
15 request that the defendant waive service of a summons." Fed. R. Civ. P. 4(d)(1).

16 Further, if such a defendant "fails, without good cause, to sign and return a waiver  
17 requested by a plaintiff located within the United States, the court must impose on the  
18 defendant . . . the expenses later incurred in making service; and . . . the reasonable

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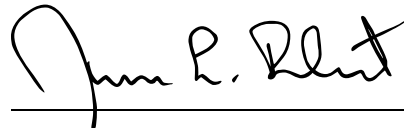
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1 expenses, including attorney's fees, of any motion required to collect those service  
2 expenses." Fed. R. Civ. P. 4(d)(2)(A), (B).

3 Dated this 21st day of December, 2018.

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6 JAMES L. ROBART  
7 United States District Judge  
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